

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.20 and adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December  
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

15 The Orthotics, Prosthetics, and Pedorthics Practice  
16 Act.

17 The Perfusionist Practice Act.

18 ~~The Professional Engineering Practice Act of 1989.~~

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (b) The following Act is repealed on December 31, 2010:

22 The Medical Practice Act of 1987.

23 (Source: P.A. 95-1018, eff. 12-18-08.)

1 (5 ILCS 80/4.30 new)

2 Sec. 4.30. Act repealed on January 1, 2020. The following  
3 Act is repealed on January 1, 2020:

4 The Professional Engineering Practice Act of 1989.

5 Section 10. The Professional Engineering Practice Act of  
6 1989 is amended by changing Sections 3, 4, 5, 6, 7, 8, 9, 10,  
7 11, 14, 15, 16, 17, 19, 21, 24, 26, 29, 31, 32, 33, 34, 36, 42,  
8 and 43 and adding Section 27.5 as follows:

9 (225 ILCS 325/3) (from Ch. 111, par. 5203)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 3. Application of the Act; Exemptions.

12 (a) Nothing in this Act shall be construed to prevent the  
13 practice of structural engineering as defined in the Structural  
14 Engineering Practice Act of 1989 or the practice of  
15 architecture as defined in the Illinois Architecture Practice  
16 Act of 1989 or the regular and customary practice of  
17 construction contracting and construction management as  
18 performed by construction contractors.

19 (b) Nothing in this Act shall be construed to prevent the  
20 regular and customary practice of an alarm contractor licensed  
21 pursuant to the Private Detective, Private Alarm, Private  
22 Security, Fingerprint Vendor, and Locksmith Act of 2004.

23 (c) Nothing in this Act shall be construed to prevent a

1 fire sprinkler contractor licensed under the Fire Sprinkler  
2 Contractor Licensing Act from providing fire protection system  
3 layout documents. For the purpose of this subsection (c), "fire  
4 protection system layout documents" means layout drawings,  
5 catalog information on standard products, and other  
6 construction data that provide detail on the location of  
7 risers, cross mains, branch lines, sprinklers, piping per  
8 applicable standard, and hanger locations. Fire protection  
9 system layout documents serve as a guide for fabrication and  
10 installation of a fire sprinkler system.

11 (d) ~~(b)~~ Nothing in this Act shall prevent:

12 (1) Employees, including project representatives, of  
13 professional engineers lawfully practicing as sole owners,  
14 partnerships or corporations under this Act, from acting  
15 under the direct supervision of their employers.

16 (2) The employment of owner's representatives by the  
17 owner during the constructing, adding to, or altering of a  
18 project, or any parts thereof, provided that such owner's  
19 representative shall not have the authority to deviate from  
20 the technical submissions without the prior approval of the  
21 professional engineer for the project.

22 (3) The practice of officers and employees of the  
23 Government of the United States while engaged within this  
24 State in the practice of the profession of engineering for  
25 the Government.

26 (4) Services performed by employees of a business

1 organization engaged in utility, telecommunications,  
2 industrial, or manufacturing operations, or by employees  
3 of laboratory research affiliates of such business  
4 organization which are rendered in connection with the  
5 fabrication or production, sale, and installation of  
6 products, systems, or nonengineering services of the  
7 business organization or its affiliates.

8 (5) Inspection, maintenance and service work done by  
9 employees of the State of Illinois, any political  
10 subdivision thereof or any municipality.

11 (6) The activities performed by those ordinarily  
12 designated as chief engineer of plant operation, chief  
13 operating engineer, locomotive, stationary, marine, power  
14 plant or hoisting and portable engineers, electrical  
15 maintenance or service engineers, personnel employed in  
16 connection with construction, operation or maintenance of  
17 street lighting, traffic control signals, police and fire  
18 alarm systems, waterworks, steam, electric, and sewage  
19 treatment and disposal plants, or the services ordinarily  
20 performed by any worker regularly employed as a locomotive,  
21 stationary, marine, power plant, or hoisting and portable  
22 engineer or electrical maintenance or service engineer for  
23 any corporation, contractor or employer.

24 (7) The activities performed by a person ordinarily  
25 designated as a supervising engineer or supervising  
26 electrical maintenance or service engineer who supervises

1 the operation of, or who operates, machinery or equipment,  
2 or who supervises construction or the installation of  
3 equipment within a plant which is under such person's  
4 immediate supervision.

5 (8) The services, for private use, of contractors or  
6 owners in the construction of engineering works or the  
7 installation of equipment.

8 (e) ~~(e)~~ No officer, board, commission, or other public  
9 entity charged with the enforcement of codes and ordinances  
10 involving a professional engineering project shall accept for  
11 filing or approval any technical submissions that do not bear  
12 the seal and signature of a professional engineer licensed  
13 under this Act.

14 (f) ~~(d)~~ Nothing contained in this Section imposes upon a  
15 person licensed under this Act the responsibility for the  
16 performance of any of the foregoing functions unless such  
17 person specifically contracts to provide it.

18 (Source: P.A. 91-91, eff. 1-1-00.)

19 (225 ILCS 325/4) (from Ch. 111, par. 5204)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 4. Definitions. As used in this Act:

22 (a) "Address of record" means the designated address  
23 recorded by the Department in the applicant's or licensee's  
24 application file or license file maintained by the Department's  
25 licensure maintenance unit. It is the duty of the applicant or

1 licensee to inform the Department of any change of address, and  
2 such changes must be made either through the Department's  
3 website or by directly contacting the Department.

4 (a-5) ~~(a)~~ "Approved engineering curriculum" means an  
5 engineering curriculum or program of 4 academic years or more  
6 which meets the standards established by the rules of the  
7 Department.

8 (b) "Board" means the State Board of Professional Engineers  
9 of the Department ~~of Professional Regulation~~, previously known  
10 as the Examining Committee.

11 (c) "Department" means the Department of Financial and  
12 Professional Regulation.

13 (d) "Design professional" means an architect, structural  
14 engineer or professional engineer practicing in conformance  
15 with the Illinois Architecture Practice Act of 1989, the  
16 Structural Engineering Practice Act of 1989 or the Professional  
17 Engineering Practice Act of 1989.

18 (e) (Blank). ~~"Director" means the Director of Professional~~  
19 ~~Regulation.~~

20 (f) "Direct supervision/responsible charge" means work  
21 prepared under the control of a licensed professional engineer  
22 or that work as to which that professional engineer has  
23 detailed professional knowledge. The Department may further  
24 define this term by rule.

25 (g) "Engineering college" means a school, college,  
26 university, department of a university or other educational

1 institution, reputable and in good standing in accordance with  
2 rules prescribed by the Department, and which grants  
3 baccalaureate degrees in engineering.

4 (h) "Engineering system or facility" means a system or  
5 facility whose design is based upon the application of the  
6 principles of science for the purpose of modification of  
7 natural states of being.

8 (i) "Engineer intern" means a person who is a candidate for  
9 licensure as a professional engineer and who has been enrolled  
10 as an engineer intern.

11 (j) "Enrollment" means an action by the Department to  
12 record those individuals who have met the Board's requirements  
13 for an engineer intern.

14 (k) "License" means an official document issued by the  
15 Department to an individual, a corporation, a partnership, a  
16 professional service corporation, a limited liability company,  
17 or a sole proprietorship, signifying authority to practice.

18 (l) "Negligence in the practice of professional  
19 engineering" means the failure to exercise that degree of  
20 reasonable professional skill, judgment and diligence normally  
21 rendered by professional engineers in the practice of  
22 professional engineering.

23 (m) "Professional engineer" means a person licensed under  
24 the laws of the State of Illinois to practice professional  
25 engineering.

26 (n) "Professional engineering" means the application of

1 science to the design of engineering systems and facilities  
2 using the knowledge, skills, ability and professional judgment  
3 developed through professional engineering education, training  
4 and experience.

5 (o) "Professional engineering practice" means the  
6 consultation on, conception, investigation, evaluation,  
7 planning, and design of, and selection of materials to be used  
8 in, administration of construction contracts for, or site  
9 observation of, an engineering system or facility, where such  
10 consultation, conception, investigation, evaluation, planning,  
11 design, selection, administration, or observation requires  
12 extensive knowledge of engineering laws, formulae, materials,  
13 practice, and construction methods. A person shall be construed  
14 to practice or offer to practice professional engineering,  
15 within the meaning and intent of this Act, who practices, or  
16 who, by verbal claim, sign, advertisement, letterhead, card, or  
17 any other way, is represented to be a professional engineer, or  
18 through the use of the initials "P.E." or the title "engineer"  
19 or any of its derivations or some other title implies licensure  
20 as a professional engineer, or holds himself out as able to  
21 perform any service which is recognized as professional  
22 engineering practice.

23 Examples of the practice of professional engineering  
24 include, but need not be limited to, transportation facilities  
25 and publicly owned utilities for a region or community,  
26 railroads, railways, highways, subways, canals, harbors, river

1 improvements; land development; stormwater detention,  
2 retention, and conveyance, excluding structures defined in  
3 Section 5 of the Structural Engineering Practice Act of 1989;  
4 irrigation works; aircraft and ~~7~~ airports traffic engineering  
5 ~~and landing fields;~~ waterworks, piping systems ~~and~~  
6 ~~appurtenances,~~ sewers, and sewage disposal works; storm sewer,  
7 sanitary sewer, and water system modeling plants for the  
8 generation of power; devices for the utilization of power;  
9 boilers; refrigeration plants, air conditioning systems and  
10 plants; heating systems and plants; plants for the transmission  
11 or distribution of power; electrical plants which produce,  
12 transmit, distribute, or utilize electrical energy; works for  
13 the extraction of minerals from the earth; plants for the  
14 refining, alloying or treating of metals; chemical works and  
15 industrial plants involving the use of chemicals and chemical  
16 processes; plants for the production, conversion, or  
17 utilization of nuclear, chemical, or radiant energy; forensic  
18 engineering, geotechnical engineering including, subsurface  
19 investigations; soil and rock classification, geology and  
20 geohydrology, incidental to the practice of professional  
21 engineering; geohydrological investigations, migration pathway  
22 analysis (including evaluation of building and site elements),  
23 soil and groundwater management zone analysis and design;  
24 energy analysis, environmental risk assessments, corrective  
25 action plans, design, remediation, protection plans and  
26 systems, hazardous waste mitigation and control, environmental

1 control or remediation systems; recognition, measurement,  
2 evaluation and control of environmental systems and emissions;  
3 control systems, evaluation and design of engineered barriers,  
4 excluding structures defined in Sections 5 of the Structural  
5 Engineering Practice Act of 1989; and modeling of pollutants in  
6 water, soil, and air; engineering surveys of sites, facilities,  
7 and topography specific to a design project, not including land  
8 boundary establishment; automated building management systems;  
9 computer-controlled or integrated systems; automatic fire  
10 notification and suppression systems; investigation and  
11 assessment of indoor air inhalation exposures and design of  
12 abatement and remediation systems; or the provision of  
13 professional engineering site observation of the construction  
14 of works and engineering systems. Nothing in this Section shall  
15 preclude an employee from acting under the direct  
16 supervision/responsible charge of a licensed professional  
17 engineer. Nothing contained in this Section imposes upon a  
18 person licensed under this Act the responsibility for the  
19 performance of any of the foregoing functions unless such  
20 person specifically contracts to provide it.

21 (p) "Project representative" means the professional  
22 engineer's representative at the project site who assists in  
23 the administration of the construction contract.

24 (q) "Registered" means the same as "licensed" for purposes  
25 of this Act.

26 (r) "Related science curriculum" means a 4 year program of

1 study, the satisfactory completion of which results in a  
2 Bachelor of Science degree, and which contains courses from  
3 such areas as life, earth, engineering and computer sciences,  
4 including but not limited to, physics and chemistry. In the  
5 study of these sciences, the objective is to acquire  
6 fundamental knowledge about the nature of its phenomena,  
7 including quantitative expression, appropriate to particular  
8 fields of engineering.

9 (s) "Rules" means those rules promulgated pursuant to this  
10 Act.

11 (t) "Seal" means the seal in compliance with Section 14 of  
12 this Act.

13 (t-5) "Secretary" means the Secretary of Financial and  
14 Professional Regulation.

15 (u) "Site observation" is visitation of the construction  
16 site for the purpose of reviewing, as available, the quality  
17 and conformance of the work to the technical submissions as  
18 they relate to design.

19 (v) "Support design professional" means a professional  
20 engineer practicing in conformance with the Professional  
21 Engineering Practice Act of 1989, who provides services to the  
22 design professional who has contract responsibility.

23 (w) "Technical submissions" are the ~~means~~ designs,  
24 drawings, and specifications which establish the scope and  
25 standard of quality for materials, workmanship, equipment, and  
26 ~~the construction~~ systems. "Technical submissions" also

1 includes, but is not limited to, studies, analyses,  
2 calculations, and other technical reports prepared in the  
3 course of the practice of professional engineering or under the  
4 direct supervision/responsible charge of a licensed  
5 professional engineer ~~a design professional's practice.~~

6 (Source: P.A. 91-91, eff. 1-1-00; 91-92, eff. 1-1-00; 92-16,  
7 eff. 6-28-01; 92-145, eff. 1-1-02.)

8 (225 ILCS 325/5) (from Ch. 111, par. 5205)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 5. Powers and duties of the Department. Subject to the  
11 provisions of this Act, the Department shall exercise the  
12 following functions, powers and duties:

13 (a) To pass upon the qualifications and conduct  
14 examinations of applicants for licensure as professional  
15 engineers or enrollment as engineer interns and pass upon  
16 the qualifications of applicants by endorsement and issue a  
17 license or enrollment to those who are found to be fit and  
18 qualified.

19 (b) To prescribe rules for the method, conduct and  
20 grading of the examination of applicants.

21 (c) To license corporations, partnerships,  
22 professional service corporations, limited liability  
23 companies, and sole proprietorships for the practice of  
24 professional engineering and issue a license to those who  
25 qualify.

1           (d) To conduct investigations and hearings regarding  
2 violations of this Act and take disciplinary or other  
3 actions as provided in this Act as a result of the  
4 proceedings.

5           (e) To prescribe rules as to what shall constitute an  
6 engineering or related science curriculum and to determine  
7 if a specific engineering curriculum is in compliance with  
8 the rules, and to terminate the approval of a specific  
9 engineering curriculum for non-compliance with such rules.

10           (f) To promulgate rules required for the  
11 administration of this Act, including rules of  
12 professional conduct.

13           (g) To maintain membership in the National Council of  
14 Examiners for Engineering and Surveying and participate in  
15 activities of the Council by designation of individuals for  
16 the various classifications of membership, the appointment  
17 of delegates for attendance at zone and national meetings  
18 of the Council, and the funding of the delegates for  
19 attendance at the meetings of the Council.

20           (h) To obtain written recommendations from the Board  
21 regarding qualifications of individuals for licensure and  
22 enrollment, definitions of curriculum content and approval  
23 of engineering curricula, standards of professional  
24 conduct and formal disciplinary actions, and the  
25 promulgation of the rules affecting these matters.

26           Prior to issuance of any final decision or order that

1 deviates from any report or recommendations of the Board  
2 relating to the qualification of applicants, discipline of  
3 licensees or registrants, or promulgation of rules, the  
4 Secretary Director shall notify the Board ~~in writing with~~  
5 ~~an explanation of any such deviation and provide a~~  
6 ~~reasonable time for the Board to submit written comments to~~  
7 ~~the Director regarding the proposed action. In the event~~  
8 ~~that the Board fails or declines to submit such written~~  
9 ~~comments within 30 days of said notification, the Director~~  
10 ~~may issue a final decision or orders consistent with the~~  
11 ~~Director's original decision.~~ The Department may at any  
12 time seek the expert advice and knowledge of the Board on  
13 any matter relating to the enforcement of this Act.

14 (i) To ~~publish and distribute or to~~ post on the  
15 Department's website, at least semi-annually, ~~a newsletter~~  
16 ~~to all persons licensed and registered under this Act. The~~  
17 ~~newsletter shall describe~~ the most recent changes in this  
18 Act and the rules adopted under this Act and shall contain  
19 information of any final disciplinary action that has been  
20 ordered under this Act since the date of the last posting  
21 ~~newsletter.~~

22 ~~None of the functions, powers or duties enumerated in this~~  
23 ~~Section shall be exercised by the Department except upon the~~  
24 ~~action and report in writing of the Board.~~

25 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

1 (225 ILCS 325/6) (from Ch. 111, par. 5206)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 6. Composition, qualifications and terms of the Board.

4 (a) The Board shall be appointed by the Secretary ~~Director~~  
5 and shall consist of 10 members, one of whom shall be a public  
6 member and 9 of whom shall be professional engineers licensed  
7 under this Act. In addition each member who is a professional  
8 engineer shall:

9 (1) be a citizen of the United States, and

10 (2) be a resident of this State.

11 (b) In addition, each member who is a professional engineer  
12 shall:

13 (1) have not less than 12 years of experience in the  
14 practice of professional engineering, and shall hold an  
15 active license as a professional engineer in Illinois;

16 (2) have been in charge of professional engineering  
17 work for at least 5 years. For the purposes of this  
18 Section, any period in which a person has been in charge of  
19 teaching engineering in an engineering college with the  
20 rank of assistant professor or higher shall be considered  
21 as time in which such person was in charge of professional  
22 engineering work.

23 The terms for all members shall be for 5 years. On the  
24 expiration of the term of any member or in the event of a  
25 vacancy, the Secretary ~~Director~~ shall appoint a member who  
26 shall hold office until the expiration of the term for which

1 the member is appointed and until a successor has been  
2 appointed and qualified.

3 No member shall be reappointed to the Board for a term  
4 which would cause that individual's continuous service on the  
5 Board to be longer than 15 successive years.

6 In implementing the 5 year terms, the Secretary ~~Director~~  
7 shall vary the terms to enable the Board to have no more than 2  
8 terms expire in any one year.

9 The public member shall not be employed in an  
10 engineering-related field ~~an employee of the State of Illinois.~~  
11 The public member shall be an Illinois resident and a citizen  
12 of the United States.

13 In making appointments to the Board, the Secretary ~~Director~~  
14 shall give due consideration to recommendations by members of  
15 the profession and by organizations therein.

16 The Secretary ~~Director~~ may remove any member of the Board  
17 for misconduct, incompetence, neglect of duty or for reasons  
18 prescribed by law for removal of State officials.

19 The Secretary ~~Director~~ may remove a member of the Board who  
20 does not attend 2 consecutive meetings.

21 A quorum of the Board shall consist of a majority of Board  
22 members appointed. Majority vote of the quorum is required for  
23 Board decisions.

24 Each member of the Board may ~~shall~~ receive compensation as  
25 determined by the Secretary ~~when attending Board meetings or~~  
26 ~~meetings approved by the Director~~ and shall be reimbursed for

1 all actual traveling expenses.

2 Members of the Board shall be immune from suit in any  
3 action based upon any disciplinary proceedings or other  
4 activities performed in good faith as members of the Board.

5 Persons holding office as members of the Board immediately  
6 prior to the effective date of this Act under the Act repealed  
7 herein shall continue as members of the Board until the  
8 expiration of the term for which they were appointed and until  
9 their successors are appointed and qualified.

10 (Source: P.A. 91-92, eff. 1-1-00.)

11 (225 ILCS 325/7) (from Ch. 111, par. 5207)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 7. Powers and duties of the Board. Subject to the  
14 provisions of this Act, the Board shall exercise the following  
15 functions, powers and duties:

16 (a) Review education and experience qualifications of  
17 applicants, including conducting oral interviews as deemed  
18 necessary by the Board, to determine eligibility as an  
19 engineer intern or professional engineer and submit to the  
20 Secretary ~~Director~~ written recommendations on applicant  
21 qualifications for enrollment and licensure;

22 (b) The Board may appoint a subcommittee from its  
23 members to serve as a Complaint Committee to recommend the  
24 disposition of case files according to procedures  
25 established by rule in the Illinois Administrative Code

1       Title 68, Section 1380.305 as amended;

2           (c) Conduct hearings regarding disciplinary actions  
3       and submit a written report and recommendations to the  
4       Secretary ~~Director~~ as required by this Act and to provide a  
5       Board member at informal conferences;

6           (d) Make visits to universities or colleges to evaluate  
7       engineering curricula or to otherwise evaluate engineering  
8       curricula and submit to the Secretary ~~Director~~ a written  
9       recommendation of acceptability of a curriculum;

10          (e) Submit a written recommendation to the Secretary  
11       ~~Director~~ concerning promulgation of rules as required in  
12       Section 5 and to recommend to the Secretary ~~Director~~ any  
13       rules or amendments thereto for the administration of this  
14       Act;

15          (f) Hold at least 3 regular meetings each year;

16          (g) Elect annually a chairperson and a  
17       vice-chairperson who shall be professional engineers; and

18          (h) Submit written comments to the Secretary ~~Director~~  
19       within 30 days from notification of any final decision or  
20       order from the Secretary ~~Director~~ that deviates from any  
21       report or recommendation of the Board relating to the  
22       qualification of applicants, discipline of licensees or  
23       registrants, or promulgation of rules.

24       (Source: P.A. 91-92, eff. 1-1-00.)

25       (225 ILCS 325/8) (from Ch. 111, par. 5208)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 8. Applications for licensure.

3 (a) Applications for licensure shall (1) be on forms  
4 prescribed and furnished by the Department, (2) contain  
5 statements made under oath showing the applicant's education  
6 and a detailed summary of the applicant's technical work, and  
7 (3) contain references as required by the Department.

8 (b) Applicants shall have obtained the education and  
9 experience as required in Section 10 or Section 11 prior to  
10 submittal of application for examination, except as provided in  
11 subsection (b) of Section 11. Allowable experience shall  
12 commence at the date of the baccalaureate degree, except:

13 (1) Credit for one year of experience shall be given  
14 for a graduate of a baccalaureate curriculum providing a  
15 cooperative program, which is supervised industrial or  
16 field experience of at least one academic year which  
17 alternates with periods of full-time academic training,  
18 when such program is certified by the university, or

19 (2) Partial credit may be given for professional  
20 engineering experience as defined by rule for employment  
21 prior to receipt of a baccalaureate degree if the  
22 employment is full-time while the applicant is a part-time  
23 student taking fewer than 12 hours per semester or 8 hours  
24 per quarter to earn the degree concurrent with the  
25 full-time engineering experience.

26 (3) If an applicant files an application and supporting

1 documents containing a material misstatement of  
2 information or a misrepresentation for the purpose of  
3 obtaining licensure or enrollment or if an applicant  
4 performs any fraud or deceit in taking any examination to  
5 qualify for licensure or enrollment under this Act, the  
6 Department may issue a rule of intent to deny licensure or  
7 enrollment and may conduct a hearing in accordance with  
8 Sections 26 through 33 and Sections 37 and 38 of this Act.

9 The Board may conduct oral interviews of any applicant  
10 under Sections 10, 11, or 19 to assist in the evaluation of the  
11 qualifications of the applicant.

12 It is the responsibility of the applicant to supplement the  
13 application, when requested by the Board, by provision of  
14 additional documentation of education, including transcripts,  
15 course content and credentials of the engineering college or  
16 college granting related science degrees, or of work experience  
17 to permit the Board to determine the qualifications of the  
18 applicant. The Department may require an applicant, at the  
19 applicant's expense, to have an evaluation of the applicant's  
20 education in a foreign country by a nationally recognized  
21 evaluating service ~~educational body~~ approved by ~~the Board in~~  
22 ~~accordance with rules prescribed by~~ the Department.

23 An applicant who graduated from an engineering program  
24 outside the United States or its territories and whose first  
25 language is not English shall submit certification of passage  
26 of the Test of English as a Foreign Language (TOEFL) and a test

1 of spoken English ~~the Test of Spoken English (TSE)~~ as defined  
2 by rule.

3 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

4 (225 ILCS 325/9) (from Ch. 111, par. 5209)

5 (Section scheduled to be repealed on January 1, 2010)

6 Sec. 9. Licensure qualifications; Examinations; Failure or  
7 refusal to take examinations. Examinations provided for by this  
8 Act shall be conducted under rules prescribed by the  
9 Department. Examinations shall be held not less frequently than  
10 semi-annually, at times and places prescribed by the  
11 Department, of which applicants shall be notified by the  
12 Department in writing.

13 Examinations of the applicants who seek to practice  
14 professional engineering shall ascertain: (a) if the applicant  
15 has an adequate understanding of the basic and engineering  
16 sciences, which shall embrace subjects required of candidates  
17 for an approved baccalaureate degree in engineering, and (b) if  
18 the training and experience of the applicant have provided a  
19 background for the application of the basic and engineering  
20 sciences to the solution of engineering problems. The  
21 Department may by rule prescribe additional subjects for  
22 examination. If an applicant neglects, fails to take ~~without an~~  
23 ~~approved excuse~~, or refuses to take the next available  
24 examination offered for licensure under this Act within 3 years  
25 after filing the application, the fee paid by the applicant

1 shall be forfeited and the application denied. If an applicant  
2 fails to pass an examination for licensure under this Act  
3 within 3 years after filing the application, the application  
4 shall be denied. However, such applicant may thereafter make a  
5 new application for examination, accompanied by the required  
6 fee.

7 (Source: P.A. 94-452, eff. 1-1-06.)

8 (225 ILCS 325/10) (from Ch. 111, par. 5210)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 10. Minimum standards for examination for licensure as  
11 professional engineer. To qualify for licensure as a  
12 professional engineer each applicant shall be:

13 (a) A graduate of an approved engineering curriculum of at  
14 least 4 years who submits acceptable evidence to the Board of  
15 an additional 4 years or more of experience in engineering work  
16 of a grade and character which indicate that the individual may  
17 be competent to practice professional engineering, and who then  
18 passes a nominal 8-hour written examination in the fundamentals  
19 of engineering, and a nominal 8-hour written examination in the  
20 principles and practice of engineering. Upon passing both  
21 examinations, the applicant, if otherwise qualified, shall be  
22 granted a license to practice professional engineering in this  
23 State; or

24 (b) A graduate of a non-approved engineering curriculum or  
25 a related science curriculum of at least 4 years and meeting

1 the requirements as set forth by rule, who submits acceptable  
2 evidence to the Board of an additional 8 years or more of  
3 experience in engineering work of a grade and character which  
4 indicate that the individual may be competent to practice  
5 professional engineering, and who then passes a nominal 8-hour  
6 written examination in the fundamentals of engineering and a  
7 nominal 8-hour written examination in the principles and  
8 practice of engineering. Upon passing both examinations, the  
9 applicant, if otherwise qualified, shall be granted a license  
10 to practice professional engineering in this State; or

11 (c) An engineer intern ~~who meets the education and~~  
12 ~~experience qualifications of subsection (a) or (b) of this~~  
13 ~~Section and has passed the nominal 8-hour written examination~~  
14 ~~in the fundamentals of engineering,~~ by application and payment  
15 of the required fee, may then take the nominal 8-hour written  
16 examination in the principles and practice of engineering. If  
17 the applicant passes ~~Upon passing~~ that examination and submits  
18 evidence to the Board that meets the experience qualification  
19 of subsection (a) or (b) of this Section, the applicant, if  
20 otherwise qualified, shall be granted a license to practice  
21 professional engineering in this State.

22 (d) When considering an applicant's qualifications for  
23 licensure under this Act, the Department may take into  
24 consideration whether an applicant has engaged in conduct or  
25 actions that would constitute a violation of the Standards of  
26 Professional Conduct for this Act as provided for by

1 administrative rules.

2 (Source: P.A. 91-92, eff. 1-1-00.)

3 (225 ILCS 325/11) (from Ch. 111, par. 5211)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 11. Minimum standards for examination for enrollment  
6 as engineer intern. Each of the following is considered a  
7 minimum standard that an applicant must satisfy to qualify for  
8 enrollment as an engineer intern.

9 (a) A graduate of an approved engineering curriculum of at  
10 least 4 years, who has passed a nominal 8-hour written  
11 examination in the fundamentals of engineering, shall be  
12 enrolled as an engineer intern, if the applicant is otherwise  
13 qualified; or

14 (b) An applicant in the last year of an approved  
15 engineering curriculum who passes a nominal 8-hour written  
16 examination in the fundamentals of engineering and furnishes  
17 proof that the applicant graduated within ~~of graduation within~~  
18 a 12 month period following the examination shall be enrolled  
19 as an engineer intern, if the applicant is otherwise qualified;  
20 or

21 (c) A graduate of a non-approved engineering curriculum or  
22 a related science curriculum, of at least 4 years meeting the  
23 requirements as set forth by rule, who submits acceptable  
24 evidence to the Board of an additional 4 years or more of  
25 progressive experience in engineering work, and who then passes

1 a nominal 8-hour written examination in the fundamentals of  
2 engineering shall be enrolled as an engineer intern, if the  
3 applicant is otherwise qualified.

4 The examination of applicants under subsection (b) of this  
5 Section who fail to furnish proof of graduation within the  
6 specified 12 month period after the examination shall be voided  
7 by the Department.

8 (Source: P.A. 89-61, eff. 6-30-95.)

9 (225 ILCS 325/14) (from Ch. 111, par. 5214)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 14. Seal. Every professional engineer shall have a  
12 seal or stamp, the print of which shall be reproducible and  
13 contain the name of the professional engineer, the professional  
14 engineer's license number, and the words "Licensed  
15 Professional Engineer of Illinois". Any reproducible stamp  
16 heretofore authorized under the laws of this state for use by a  
17 professional engineer, including those with the words  
18 "Registered Professional Engineer of Illinois", shall serve  
19 the same purpose as the seal provided for by this Act. The  
20 engineer shall be responsible for his seal and signature as  
21 defined by rule. When technical submissions are prepared  
22 utilizing a computer or other electronic means, the seal may be  
23 generated by the computer. Signatures generated by computer  
24 shall not be permitted.

25 The use of a professional engineer's seal on technical

1 submissions constitutes a representation by the professional  
2 engineer that the work has been prepared by or under the  
3 personal supervision of the professional engineer or developed  
4 in conjunction with the use of accepted engineering standards.  
5 The use of the seal further represents that the work has been  
6 prepared and administered in accordance with the standards of  
7 reasonable professional skill and diligence.

8 It is unlawful to affix one's seal to technical submissions  
9 if it masks the true identity of the person who actually  
10 exercised direction, control and supervision of the  
11 preparation of such work. A professional engineer who seals and  
12 signs technical submissions is not responsible for damage  
13 caused by subsequent changes to or uses of those technical  
14 submissions, where the subsequent changes or uses, including  
15 changes or uses made by State or local governmental agencies,  
16 are not authorized or approved by the professional engineer who  
17 originally sealed and signed the technical submissions.

18 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

19 (225 ILCS 325/15) (from Ch. 111, par. 5215)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 15. Technical submissions. All technical submissions  
22 prepared by or under the personal supervision of a professional  
23 engineer shall bear that professional engineer's seal,  
24 signature, and license expiration date. The licensee's written  
25 signature and date of signing, along with the date of license

1 expiration, shall be placed adjacent to the seal. Computer  
2 generated signatures are not permitted.

3 The professional engineer who has contract responsibility  
4 shall seal a cover sheet of the technical submissions, and  
5 those individual portions of the technical submissions for  
6 which the professional engineer is legally and professionally  
7 responsible. The professional engineer practicing as the  
8 support design professional shall seal those individual  
9 portions of technical submissions for which the professional  
10 engineer is legally and professionally responsible.

11 All technical submissions intended for use in construction  
12 in the State of Illinois shall be prepared and administered in  
13 accordance with standards of reasonable professional skill and  
14 diligence. Care shall be taken to reflect the requirements of  
15 State statutes and, where applicable, county and municipal  
16 ordinances in such documents. In recognition that professional  
17 engineers are licensed for the protection of the public health,  
18 safety and welfare, documents shall be of such quality and  
19 scope, and be so administered as to conform to professional  
20 standards.

21 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

22 (225 ILCS 325/16) (from Ch. 111, par. 5216)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 16. Issuance of license. Whenever the provisions of  
25 this Act and all other applicable Illinois laws have been

1 complied with the Department shall issue a license as a  
2 professional engineer and enroll the engineer intern.

3 Every holder of a license as a professional engineer shall  
4 display the license in a conspicuous place in the professional  
5 engineer's principal office.

6 It is the professional engineer's and engineer intern's  
7 responsibility to inform the Department of any change of  
8 address.

9 (Source: P.A. 86-667.)

10 (225 ILCS 325/17) (from Ch. 111, par. 5217)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 17. Licensure; Renewal; Restoration; Person in  
13 military service; Retired. The expiration date and renewal  
14 period for each professional engineer license issued under this  
15 Act shall be set by the Department by rule. The enrollment of  
16 an engineer intern shall not expire.

17 Any person whose license has expired or whose license is on  
18 inactive status may have such license restored by making  
19 application to the Department and filing proof acceptable to  
20 the Department of that person's fitness to have such license  
21 restored, which may include sworn evidence certifying to active  
22 practice in another jurisdiction satisfactory to the  
23 Department and by paying the required restoration fee. If the  
24 person has not maintained an active practice in another  
25 jurisdiction satisfactory to the Department, the Board shall

1 determine, by an evaluation program established by rule, the  
2 person's fitness to resume active status and may require the  
3 person to complete a period of evaluated experience and may  
4 require successful completion of the principles and practice  
5 examination.

6 However, any person whose license expired while that person  
7 was (1) in Federal Service on active duty with the Armed Forces  
8 of the United States, or the State Militia called into service  
9 or training, or (2) in training or education under the  
10 supervision of the United States preliminary to induction into  
11 the military service, may have such license renewed or restored  
12 without paying any lapsed renewal fees if, within 2 years after  
13 honorable termination of such service, training, or education,  
14 except under conditions other than honorable, the Department is  
15 furnished with satisfactory evidence that the person has been  
16 so engaged and has maintained professional competence and that  
17 such service, training or education has been so terminated.

18 Each application for renewal shall contain the original  
19 seal and signature of the professional engineer. Applicants for  
20 renewal or restoration shall certify that all conditions of  
21 their license meet the requirements of the Illinois  
22 Professional Engineering Practice Act of 1989.

23 The Department may grant the title "Professional Engineer,  
24 Retired" to any person who has been duly licensed as a  
25 professional engineer by the Department and who chooses to  
26 relinquish or not renew his or her license. The Department may,

1 by rule, exempt from continuing education requirements those  
2 who are granted the title "Professional Engineer, Retired".  
3 Those persons granted the title "Professional Engineer,  
4 Retired" may request restoration to active status under the  
5 applicable provisions of Sections 17, 17.5, and 18 of this Act.  
6 (Source: P.A. 89-61, eff. 6-30-95.)

7 (225 ILCS 325/19) (from Ch. 111, par. 5219)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 19. Endorsement. The Department may, upon the  
10 recommendation of the Board, license as a professional  
11 engineer, on payment of the required fee, an applicant who is a  
12 professional engineer registered or licensed under the laws of  
13 another state or territory of the United States or the District  
14 of Columbia or parties to the North American Free Trade  
15 Agreement if the applicant qualifies under Section 8 and  
16 Section 10 of this Act, or if the qualifications of the  
17 applicant were at the time of registration or licensure in  
18 another jurisdiction substantially equal to the requirements  
19 in force in this State on that date.

20 The Department may refuse to endorse ~~by comity~~ the  
21 applicants from any state, District of Columbia or territory if  
22 the requirements for registration or licensure in such  
23 jurisdiction are not substantially equal to the requirements of  
24 this Act.

25 Applicants have 3 years from the date of application to

1 complete the application process. If the process has not been  
2 completed during the 3 year time frame, the application shall  
3 be denied, the fee forfeited and the applicant must reapply and  
4 meet the requirements in effect at the time of reapplication.

5 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

6 (225 ILCS 325/21) (from Ch. 111, par. 5221)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 21. Rosters. The Department shall maintain a roster of  
9 the names and addresses of all professional engineers and  
10 professional design firms, partnerships, and corporations  
11 licensed or registered under this Act. This roster shall be  
12 available upon ~~written~~ request and payment of the required fee.

13 (Source: P.A. 88-428.)

14 (225 ILCS 325/24) (from Ch. 111, par. 5224)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 24. Rules of professional conduct; disciplinary or  
17 administrative action.

18 (a) The Department shall adopt rules setting standards of  
19 professional conduct and establish appropriate penalty for the  
20 breach of such rules.

21 (a-1) The Department may, ~~singularly or in combination,~~  
22 refuse to issue, renew, or restore, ~~or renew~~ a license or may  
23 ~~registration,~~ revoke or suspend a license ~~or registration,~~ or  
24 place on probation, reprimand, or take other disciplinary or

1 non-disciplinary action with regard to a person licensed under  
2 this Act, including but not limited to, the imposition of a  
3 fine ~~impose a civil penalty~~ not to exceed \$10,000 upon any  
4 person, corporation, partnership, or professional design firm  
5 licensed or registered under this Act, for any one or  
6 combination of the following causes:

7 (1) Material misstatement in furnishing information to  
8 the Department.

9 (2) Violations ~~Failure to comply with any provisions of~~  
10 this Act or any of its rules.

11 (3) Conviction of or entry of a plea of guilty or nolo  
12 contendere any crime that is a felony under the laws of the  
13 United States, or any state or territory thereof, or a  
14 ~~which is a felony, whether related to practice or not, or~~  
15 ~~conviction of any crime, whether a felony,~~ misdemeanor of  
16 which, ~~or otherwise,~~ an essential element ~~of which~~ is  
17 dishonesty or any crime that is ~~which is~~ directly related  
18 to the practice of engineering.

19 (4) Making any misrepresentation for the purpose of  
20 obtaining, renewing, or restoring a license ~~licensure,~~ or  
21 violating any provision of this Act or the rules adopted  
22 under this Act pertaining to advertising ~~in applying for~~  
23 ~~restoration or renewal; or practice of any fraud or deceit~~  
24 ~~in taking any examination to qualify for licensure under~~  
25 ~~this Act.~~

26 (5) Willfully ~~Purposefully~~ making or signing a false

1 ~~statement, certificate, or affidavit false statements or~~  
2 ~~signing false statements, certificates, or affidavits~~ to  
3 induce payment.

4 (6) Negligence, incompetence or misconduct in the  
5 practice of professional engineering as a licensed  
6 professional engineer or in working as an engineer intern.

7 (7) Aiding or assisting another person in violating any  
8 provision of this Act or its rules.

9 (8) Failing to provide information in response to a  
10 written request made by the Department within 30 days after  
11 receipt of such written request.

12 (9) Engaging in dishonorable, unethical or  
13 unprofessional conduct of a character likely to deceive,  
14 defraud or harm the public.

15 (10) Inability to practice the profession with  
16 reasonable judgment, skill, or safety as a result of a  
17 physical illness, including, but not limited to,  
18 deterioration through the aging process or loss of motor  
19 skill or mental illness or disability. ~~Habitual~~  
20 ~~intoxication or addiction to the use of drugs.~~

21 (11) Discipline by the United States Government,  
22 another state, District of Columbia, territory, foreign  
23 nation or government agency, if at least one of the grounds  
24 for the discipline is the same or substantially equivalent  
25 to those set forth in this Act.

26 (12) Directly or indirectly giving to or receiving from

1 any person, firm, corporation, partnership or association  
2 any fee, commission, rebate or other form of compensation  
3 for any professional services not actually or personally  
4 rendered.

5 (13) A finding by the Board that an applicant or  
6 registrant has failed to pay a fine imposed by the  
7 Department, a registrant whose license has been placed on  
8 probationary status has violated the terms of probation, or  
9 a registrant has practiced on an expired, inactive,  
10 suspended, or revoked license.

11 (14) Signing, affixing the professional engineer's  
12 seal or permitting the professional engineer's seal to be  
13 affixed to any technical submissions not prepared as  
14 required by Section 14 or completely reviewed by the  
15 professional engineer or under the professional engineer's  
16 direct supervision.

17 (15) Inability ~~Physical illness, including but not~~  
18 ~~limited to deterioration through the aging process or loss~~  
19 ~~of motor skill, which results in the inability to practice~~  
20 the profession with reasonable judgment, skill, or safety  
21 as a result of habitual or excessive use or addiction to  
22 alcohol, narcotics, stimulants, or any other chemical  
23 agent or drug.

24 (16) The making of a statement pursuant to the  
25 Environmental Barriers Act that a plan for construction or  
26 alteration of a public facility or for construction of a

1 multi-story housing unit is in compliance with the  
2 Environmental Barriers Act when such plan is not in  
3 compliance.

4 (17) Failure to file a return, pay the tax, penalty, or  
5 interest shown in a filed return, or pay any final  
6 assessment of tax, penalty or interest as required by any  
7 tax Act administered by the Department of Revenue, until  
8 such time as the requirements of the tax Act are satisfied  
9 in accordance with subsection (g) of Section 15 of the  
10 Department of Professional Regulation Law of the Civil  
11 Administrative Code of Illinois (20 ILCS 2105/2105-15).  
12 ~~Failing to file a return, or to pay the tax, penalty or~~  
13 ~~interest shown in a filed return, or to pay any final~~  
14 ~~assessment of tax, penalty or interest as required by a tax~~  
15 ~~Act administered by the Illinois Department of Revenue,~~  
16 ~~until such time as the requirements of any such tax Act are~~  
17 ~~satisfied.~~

18 (a-3) The Department shall deny a license or renewal  
19 authorized by this Act to a person who has defaulted on an  
20 educational loan or scholarship provided or guaranteed by the  
21 Illinois Student Assistance Commission or any governmental  
22 agency of this State in accordance with subdivision (a) (5) of  
23 Section 15 of the Department of Professional Regulation Law of  
24 the Civil Administrative Code of Illinois (20 ILCS  
25 2105/2105-15). In cases where the Department of Healthcare and  
26 Family Services (formerly the Department of Public Aid) has

1 previously determined that a licensee or a potential licensee  
2 is more than 30 days delinquent in the payment of child support  
3 and has subsequently certified the delinquency to the  
4 Department, the Department may refuse to issue or renew or may  
5 revoke or suspend that person's license or may take other  
6 disciplinary action against that person based solely upon the  
7 certification of delinquency made by the Department of  
8 Healthcare and Family Services in accordance with subdivision  
9 (a) (5) of Section 15 of the Department of Professional  
10 Regulation Law of the Civil Administrative Code of Illinois (20  
11 ILCS 2105/2105-15).

12 (a-5) In enforcing Sections 10 and 15 of this Act, the  
13 Department or Board, upon showing of a possible violation, may  
14 order a licensee or applicant to submit to a mental or physical  
15 examination, or both, at the expense of the Department. The  
16 Department or Board may order the examining physician to  
17 present testimony concerning his or her examination of the  
18 licensee or applicant. No information shall be excluded by any  
19 reason of common law or statutory privilege relating to  
20 communications between the licensee or applicant and the  
21 examining physician. The examining physician shall be  
22 specifically designated by the Board or Department. The  
23 licensee or applicant may have, at his or her own expense,  
24 another physician of his or her choice present during all  
25 aspects of the examination. Failure of a licensee or applicant  
26 to submit to any such examination when directed, without

1 reasonable cause as defined by rule, shall be grounds for  
2 either the immediate suspension of his or her license or  
3 immediate denial of his or her application.

4 If the Secretary immediately suspends the license of a  
5 licensee for his or her own failure to submit to a mental or  
6 physical examination when directed, a hearing must be convened  
7 by the Department within 15 days after the suspension and  
8 completed without appreciable delay.

9 If the Secretary otherwise suspends a license pursuant to  
10 the results of the licensee's mental or physical examination, a  
11 hearing must be convened by the Department within 15 days after  
12 the suspension and completed without appreciable delay. The  
13 Department and Board shall have the authority to review the  
14 licensee's record of treatment and counseling regarding the  
15 relevant impairment or impairments to the extent permitted by  
16 applicable federal statutes and regulations safeguarding the  
17 confidentiality of medical records.

18 Any licensee suspended under this subsection (a-5) shall be  
19 afforded an opportunity to demonstrate to the Department or  
20 Board that he or she can resume practice in compliance with the  
21 acceptable and prevailing standards under the provisions of his  
22 or her license.

23 ~~(a-5) In enforcing this Section, the Board upon a showing~~  
24 ~~of a possible violation may compel a person licensed to~~  
25 ~~practice under this Act, or who has applied for licensure or~~  
26 ~~certification pursuant to this Act, to submit to a mental or~~

1 ~~physical examination, or both, as required by and at the~~  
2 ~~expense of the Department. The examining physicians shall be~~  
3 ~~those specifically designated by the Board. The Board or the~~  
4 ~~Department may order the examining physician to present~~  
5 ~~testimony concerning this mental or physical examination of the~~  
6 ~~licensee or applicant. No information shall be excluded by~~  
7 ~~reason of any common law or statutory privilege relating to~~  
8 ~~communications between the licensee or applicant and the~~  
9 ~~examining physician. The person to be examined may have, at his~~  
10 ~~or her own expense, another physician of his or her choice~~  
11 ~~present during all aspects of the examination. Failure of any~~  
12 ~~person to submit to a mental or physical examination, when~~  
13 ~~directed, shall be grounds for suspension of a license until~~  
14 ~~the person submits to the examination if the Board finds, after~~  
15 ~~notice and hearing, that the refusal to submit to the~~  
16 ~~examination was without reasonable cause.~~

17 ~~If the Board finds a person unable to practice because of~~  
18 ~~the reasons set forth in this Section, the Board may require~~  
19 ~~that person to submit to care, counseling, or treatment by~~  
20 ~~physicians approved or designated by the Board as a condition,~~  
21 ~~term, or restriction for continued, reinstated, or renewed~~  
22 ~~licensure to practice; or, in lieu of care, counseling, or~~  
23 ~~treatment, the Board may recommend to the Department to file a~~  
24 ~~complaint to immediately suspend, revoke, or otherwise~~  
25 ~~discipline the license of the person. Any person whose license~~  
26 ~~was granted, continued, reinstated, renewed, disciplined, or~~

1 ~~supervised subject to such terms, conditions, or restrictions~~  
2 ~~and who fails to comply with such terms, conditions, or~~  
3 ~~restrictions shall be referred to the Director for a~~  
4 ~~determination as to whether the person shall have his or her~~  
5 ~~license suspended immediately, pending a hearing by the Board.~~

6 ~~(b) The determination by a circuit court that a registrant~~  
7 ~~is subject to involuntary admission or judicial admission as~~  
8 ~~provided in the Mental Health and Developmental Disabilities~~  
9 ~~Code, as now or hereafter amended, operates as an automatic~~  
10 ~~suspension. Such suspension will end only upon a finding by a~~  
11 ~~court that the patient is no longer subject to involuntary~~  
12 ~~admission or judicial admission, the issuance of an order so~~  
13 ~~finding and discharging the patient, and the recommendation of~~  
14 ~~the Board to the Director that the registrant be allowed to~~  
15 ~~resume practice.~~

16 (Source: P.A. 91-92, eff. 1-1-00; 92-145, eff. 1-1-02.)

17 (225 ILCS 325/26) (from Ch. 111, par. 5226)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 26. Investigations; notice and hearing. The  
20 Department may investigate the actions of any applicant or of  
21 any person or entity holding or claiming to hold a license or  
22 registration or offering professional engineering services.  
23 Before the initiation of an investigation, the matter shall be  
24 reviewed by a subcommittee of the Board according to procedure  
25 established by rule for the Complaint Committee. The Department

1 shall, before refusing to issue, restore or renew a license or  
2 registration or otherwise discipline a licensee or registrant,  
3 at least 30 days prior to the date set for the hearing, notify  
4 in writing the applicant for, or holder of, a license or  
5 registration of the nature of the charges, that a hearing will  
6 be held on the date designated, and direct the applicant or  
7 entity or licensee or registrant to file a written answer to  
8 the Department Board ~~Board~~ under oath within 20 days after the  
9 service of the notice and inform the applicant or entity or  
10 licensee or registrant that failure to file an answer will  
11 result in default being taken against the applicant or entity  
12 or licensee or registrant and that the license or certificate  
13 may be suspended, revoked, placed on probationary status, or  
14 other disciplinary action may be taken, including limiting the  
15 scope, nature or extent of practice, as the Director may deem  
16 proper. Written notice may be served by personal delivery or  
17 certified or registered mail to the respondent at the address  
18 of record currently on file with the Department. In case the  
19 person or entity fails to file an answer after receiving  
20 notice, his or her license or certificate may, in the  
21 discretion of the Department, be suspended, revoked, or placed  
22 on probationary status, or the Department may take whatever  
23 disciplinary action deemed proper, including limiting the  
24 scope, nature, or extent of the person's practice or the  
25 imposition of a fine, without a hearing, if the act or acts  
26 charged constitute sufficient grounds for such action under

1 this Act. At the time and place fixed in the notice, the Board  
2 shall proceed to hear the charges and the parties or their  
3 counsel shall be accorded ample opportunity to present such  
4 statements, testimony, evidence and argument as may be  
5 pertinent to the charges or to their defense. The Board may  
6 continue the hearing from time to time.

7 (Source: P.A. 87-1031; 88-428.)

8 (225 ILCS 325/27.5 new)

9 Sec. 27.5. Subpoenas; depositions; oaths. The Department  
10 has the power to subpoena documents, books, records, or other  
11 materials, to bring before it any person, and to take  
12 testimony, either orally or by deposition, or both, with the  
13 same fees and mileage and in the same manner prescribed in  
14 civil cases in courts of this State.

15 The Secretary, the designated hearing officer, and every  
16 member of the Board has the power to administer oaths to  
17 witnesses at any hearing that the Department is authorized to  
18 conduct and any oaths authorized in any Act administered by the  
19 Department.

20 (225 ILCS 325/29) (from Ch. 111, par. 5229)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 29. Notice of hearing; Findings and recommendations.  
23 At the conclusion of the hearing, the Board shall present to  
24 the Secretary ~~Director~~ a written report of its finding and

1 recommendations. The report shall contain a finding whether or  
2 not the accused person violated this Act or its rules or failed  
3 to comply with the conditions required in this Act or its  
4 rules. The Board shall specify the nature of the violation or  
5 failure to comply, and shall make its recommendations to the  
6 Secretary ~~Director~~. The Board may take into consideration in  
7 making its recommendations for discipline all facts and  
8 circumstances bearing upon the reasonableness of the conduct of  
9 the respondent and the potential for future harm to the public,  
10 including but not limited to previous discipline by the  
11 Department, intent, degree of harm to the public and likelihood  
12 of harm in the future, any restitution made, and whether the  
13 incident or incidents complained of appear to be isolated or a  
14 pattern of conduct. In making its recommendations for  
15 discipline, the Board shall endeavor to ensure that the  
16 severity of the discipline recommended bears some reasonable  
17 relationship to the severity of the violation. The report of  
18 findings of fact, conclusions of law and recommendation of the  
19 Board shall be the basis for the Department's order refusing to  
20 issue, restore or renew a license, or otherwise discipline a  
21 registrant. If the Secretary ~~Director~~ disagrees in any regard  
22 with the report of the Board, the Secretary ~~Director~~ may issue  
23 an order in contravention thereof, following the procedures set  
24 forth in Section 7. The Secretary ~~Director~~ shall provide a  
25 written report to the Board on any deviation, and shall specify  
26 with particularity the reasons for said action. The finding is

1 not admissible in evidence against the person in a criminal  
2 prosecution brought for the violation of this Act, but the  
3 hearing and finding are not a bar to a criminal prosecution  
4 brought for the violation of this Act.

5 (Source: P.A. 86-667.)

6 (225 ILCS 325/31) (from Ch. 111, par. 5231)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 31. Secretary ~~Director~~; Rehearing. Whenever the  
9 Secretary ~~Director~~ is not satisfied that substantial justice  
10 has been done in the refusal to issue, restore or renew a  
11 license, or otherwise discipline a registrant, the Secretary  
12 ~~Director~~ may order a rehearing by the same or other examiners.

13 (Source: P.A. 86-667.)

14 (225 ILCS 325/32) (from Ch. 111, par. 5232)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 32. Appointment of a hearing officer. Notwithstanding  
17 the provisions of Section 26, the Secretary ~~Director~~ has the  
18 authority to appoint any attorney duly registered to practice  
19 law in the State of Illinois to serve as the hearing officer in  
20 any action for refusal to issue, restore or renew a license or  
21 to discipline a registrant. The hearing officer has full  
22 authority to conduct the hearing. The hearing officer shall  
23 report the findings and recommendations to the Board and the  
24 Secretary ~~Director~~. The Board has 60 days from receipt of the

1 report to review the report of the hearing officer and present  
2 its findings of fact, conclusions of law and recommendations to  
3 the Secretary ~~Director~~. If the Board fails to present its  
4 report within the 60 day period, the Secretary ~~Director~~ shall  
5 issue an order based on the report of the hearing officer  
6 except as herein noted. However, if the Secretary ~~Director~~  
7 disagrees in any regard with the report of the Board or hearing  
8 officer, the Secretary ~~Director~~ may issue an order in  
9 contravention thereof, following the procedures set forth in  
10 Section 7. The Secretary ~~Director~~ shall provide a written  
11 report to the Board on any deviation, and shall specify with  
12 particularity the reasons for said action.

13 (Source: P.A. 86-667.)

14 (225 ILCS 325/33) (from Ch. 111, par. 5233)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 33. Order or certified copy; Prima facie proof. An  
17 order or a certified copy thereof, over the seal of the  
18 Department and purporting to be signed by the Secretary  
19 ~~Director~~, shall be prima facie proof:

20 (a) That such signature is the genuine signature of the  
21 Secretary ~~Director~~;

22 (b) That such Secretary ~~Director~~ is duly appointed and  
23 qualified; and

24 (c) That the Board and the members thereof are qualified to  
25 act.

1 (Source: P.A. 86-667.)

2 (225 ILCS 325/34) (from Ch. 111, par. 5234)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 34. Restoration of suspended or revoked license. At  
5 any time after successful completion of a term of ~~the~~  
6 suspension, ~~or~~ revocation or probation of any license, the  
7 Department may restore it to the accused person, upon the  
8 ~~written~~ recommendation of the Board, unless after an  
9 investigation and a hearing, the Department ~~Board~~ determines  
10 that restoration is not in the public interest.

11 (Source: P.A. 86-667.)

12 (225 ILCS 325/36) (from Ch. 111, par. 5236)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 36. Temporary suspension of a license. The Secretary  
15 ~~Director~~ may temporarily suspend the license of a professional  
16 engineer without a hearing, simultaneously with the  
17 institution of proceedings for a hearing provided for in  
18 Section 26 of this Act, if the Secretary ~~Director~~ finds that  
19 evidence in the Secretary's ~~Director's~~ possession indicates  
20 that a professional engineer's continuation in practice would  
21 constitute an imminent danger to the public. In the event that  
22 the Secretary ~~Director~~ temporarily suspends the license of a  
23 professional engineer without a hearing, a hearing by the Board  
24 must be held within 30 days after such suspension has occurred.

1 (Source: P.A. 86-667.)

2 (225 ILCS 325/42) (from Ch. 111, par. 5242)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 42. Civil penalties.

5 (1) In addition to any other penalty provided by law, any  
6 person, sole proprietorship, professional service corporation,  
7 limited liability company, partnership, or other entity who  
8 violates Section 40 of this Act shall forfeit and pay to the  
9 Design Professionals Administration and Investigation Fund a  
10 civil penalty in an amount determined by the Department of not  
11 more than \$10,000 ~~\$5,000~~ for each offense. The penalty shall be  
12 assessed in proceedings as provided in Sections 26 through 33  
13 and Section 37 of this Act.

14 (2) Unless the amount of the penalty is paid within 60 days  
15 after the order becomes final, the order shall constitute a  
16 judgment and shall be filed and execution issued thereon in the  
17 same manner as the judgment of a court of record.

18 (Source: P.A. 88-595, eff. 8-26-94; 89-61, eff. 6-30-95.)

19 (225 ILCS 325/43) (from Ch. 111, par. 5243)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 43. Consent order. At any point in the proceedings as  
22 provided in Sections 25 through 33 and Section 37, both parties  
23 may agree to a negotiated consent order. The consent order  
24 shall be final upon signature of the Secretary ~~Director~~.

1 (Source: P.A. 86-667.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.